

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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INFLUENCE ENTERTAINMENT, INC.,)
Plaintiff,)
v.)
3765 HOLDING, LLC, et al.,)
Defendants.)

2:07-cv-00462-JCM-LRL
REPORT and RECOMMENDATION

This case comes before the court on plaintiff's Motion for Sanctions Against Defendant Edward J. Rudiger, Jr. for Failure to Comply with the Court's Order of August 20, 2008 (#93). Defendant Rudiger has not responded to the motion. Under LR 7-2(d), his failure to respond constitutes his consent to the granting of the motion.

This is not the first time Rudiger has failed to respond to one of plaintiff's motions or discovery requests or even to a deposition notice; or indeed to orders of the court. Aside from filing an answer, Rudiger has simply failed to participate in this lawsuit. Plaintiff's motion accurately tracks in detail the history of Rudiger's numerous discovery violations. To repeat them here would be pointless. The undersigned adopts the statement of facts and the procedural history of Rudiger's discovery violations as set forth in plaintiff's Motion for Sanctions (#93). Based thereon, and for good cause shown,

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It is the recommendation of the undersigned U.S. Magistrate Judge that plaintiff's Motion for Sanctions Against Defendant Edward J. Rudiger, Jr. for Failure to Comply with the Court's Order of August 20, 2008 (#93) should be granted.

DATED this 21st day of November, 2008.

LTLewis

LAWRENCE R. LEAVITT
UNITED STATES MAGISTRATE JUDGE